

COASTAL CONSERVANCY

Staff Recommendation
June 5, 2008

TSURAI VILLAGE SITE PARKER CREEK DRAINAGE CONTROL

File No. 06-049
Project Manager: Su Corbaley

RECOMMENDED ACTION: Consideration and possible Conservancy approval of the Access Management Plan for the Tsurai Village Site, and authorization to disburse up to \$30,000 to the City of Trinidad to reduce Parker Creek and hillside drainage entering the Tsurai Village Site to protect public access values and natural and cultural resources on the Site.

LOCATION: Trinidad, Humboldt County (Exhibit 1)

PROGRAM CATEGORY: Public Access

EXHIBITS

- Exhibit 1: [Project Location and Site Map](#)
 - Exhibit 2: [Access Management Plan for the Tsurai Village Site](#)
 - Exhibit 3: [Approval of Issuance of Emergency Coastal Development Permit](#)
 - Exhibit 4: [City Council Meeting Minutes Declaring Emergency](#)
 - Exhibit 5: [Letters of Support](#)
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RESOLUTION AND FINDINGS:

Staff recommends that the State Coastal Conservancy adopt the following resolution pursuant to Sections 31400 *et seq.* of the Public Resources Code:

“The State Coastal Conservancy hereby approves the Access Management Plan for the Tsurai Village Site, attached as Exhibit 2 to the accompanying staff recommendation, and authorizes the disbursement of an amount not to exceed thirty thousand dollars (\$30,000) to the City of Trinidad for the installation of drainage improvements to redirect flows away from the Tsurai Village Site, subject to the following conditions:

- a. Prior to the disbursement of any Conservancy funds, the City shall submit for review and written approval of the Executive Officer of the Conservancy (“Executive Officer”) a work plan, budget and schedule; the names and qualifications of any contractors to be employed for the project; evidence that the City has obtained all necessary permits to carry out the

project as designed; and a recorded easement in favor of the City from the owner of the private land on which the project will be implemented.

- b. Conservancy funding shall be acknowledged either by erecting and maintaining a sign, or by another appropriate means, the design and place of which have been approved by the Executive Officer.”

Staff further recommends that the Conservancy adopt the following findings:

“Based on the accompanying staff report and attached exhibits, the State Coastal Conservancy hereby finds that:

1. The proposed project is consistent with the purposes and criteria set forth in Public Resources Code Sections 31400-31409 regarding establishing a system of public coastal access ways.
2. The proposed project is consistent with the Project Selection Criteria and Guidelines updated by the Conservancy on September 20, 2007.
3. The project will serve greater than local needs.”

PROJECT SUMMARY: Staff is recommending that the Conservancy approve the Access Management Plan for the Tsurai Village Site (“the Plan”) (see Exhibit 2) and authorize funds to address an immediate threat of degradation to the Tsurai Village Site (“the Site”) from continued runoff. The City of Trinidad (“the City”) owns the property and the Conservancy holds an easement over the entire 12.5 acres, for the purposes of preserving public access, and protecting cultural and natural resources (see Exhibit 1).

The Plan was prepared with Conservancy funds by the Yurok Tribe in collaboration with the City, Conservancy staff, and the Tsurai Ancestral Society, in order to help resolve land use conflicts and improve management of the Site. Completed in 2007, the Plan addresses all aspects of public access and protection of cultural and natural resources on the Site.

Recommendations in the Plan include:

- maintaining the existing public access trails across and around the Site.
- improving casual trails leading to the Site to provide alternate routes to Parker Creek Trail.
- installing adequate signage to identify primary and secondary coastal routes.
- informing the public of trail use conditions and limitations.
- developing and adhering to methods for protecting the cultural resources present on the Site, which include artifacts and human remains.
- managing natural resources (water quality and vegetation).

The Plan also recommends that the City, in collaboration with the Tsurai Ancestral Society, the Yurok Tribe, the Conservancy and the Coastal Commission explore options and feasibility to transfer the Site to the Yurok Tribe for management. Conservancy approval of any proposal for transfer of the property would include the city’s retention of an easement that, at a minimum, preserves public access. The recommendation to pursue the property transfer is required by a

2005 settlement agreement by and among the Coastal Commission, the Conservancy, the City and the Tsurai Ancestral Society to resolve, out of court, the Tsurai Ancestral Society's amended complaint involving the Site, the Wagner Street Trail and other use conflicts. That settlement agreement conditions transfer of the Site to the Yurok on Conservancy approval of the Plan. At its March 12, 2008 meeting the Trinidad City Council appointed its staff to participate in activities with the other parties to explore transfer of the Site to the Yurok Tribe. Conservancy staff expects to return to the Conservancy with a recommendation for the property transfer in the future.

The proposed funding authorization would assist the City with its efforts to address several of the Plan's recommendations. The City will use the Conservancy's funds to install drainage improvements that protect both public access trails and cultural resources at the 12.5-acre Site. Specifically, the City will install a drainage trench across adjacent private property and onto the Site in order to reduce saturation caused by runoff from Parker Creek and bluff seepage. The flows and seepage have caused saturation of the Site, and if they continue, could cause degradation and loss of this important archeological and cultural resource, as well as loss of public access trails in the vicinity.

The drainage entering the Site from Parker Creek is not a natural flow, but is caused by a misaligned culvert under Parker Creek Trail. The culvert is intended to direct Parker Creek to the ocean, but instead directs some of the Parker Creek flow onto the private property through an in-board ditch on the private property and ultimately onto the Site. It is not known when the in-board ditch was installed, but it has been in place since long before the current owner acquired the private residence. Additionally, there is seepage at the base of the bluff that contributes to the Site saturation. The cause of the seepage is thought to be natural, and the increasing volume believed to possibly result from surface saturation on the City's streets. The in-board ditch system would capture a significant portion of the bluff seepage and direct it to Parker Creek. The terrace is level and therefore not easily drained, resulting in year-round saturation of the Site which contributes significantly to instability of the lower bluff, placing the entire Site at risk of failure. The public access trails at risk are the Parker Creek Trail at the east boundary of the Site, and the Wagner Street Trail located along the bluff above the property. If the entire bluff were to fail, use of the Axel Lindgren Memorial Trail could also be lost (See exhibit 1 for a map of existing trails).

To protect its property interest, and the access and cultural resources on its property, the City will alleviate the saturation through replacement of the in-board ditch on the adjacent property and extension of the ditch to return Parker Creek overflows to Parker Creek. The work generally includes placement of approximately 220 feet of 8-inch HDPE storm sewer pipe using horizontal directional drilling methods, installation of a drainage inlet, installation of a drainage inlet insert filter, drainage ditch grading, erosion and sediment control, cleanup, and site restoration.

The extreme site conditions persist year-round and have been exacerbated by winter rains, increasing the urgency of the situation. Therefore, it may be necessary for the City to begin construction activities prior to Conservancy authorization of funds for the project. If project work proceeds before the Conservancy authorizes funds for the project, the grantee and its contractor will carry out that work at their own financial risk. Reimbursement for that work from Conservancy funds may occur subsequently, but only if and after the Conservancy approves the proposed authorization, a written grant agreement is entered into with the City and the work has

been done in a manner consistent with the Conservancy authorization and grant agreement, and engineering designs prepared by the City and already reviewed by Conservancy staff. At its November 19, 2007 meeting, the City Planning Department approved issuance of an emergency Coastal Development Permit for the “Tsurai Study Area drainage improvements” (Exhibit 3). At its November 28, 2008 meeting, the City Council declared the saturation of the Site an emergency condition, and approved expenditures to cover the cost of the project with the understanding that the City would request primary funding from the Conservancy to cover a majority of its costs (Exhibit 4).

Alleviation of the saturation is supported by geotechnical studies conducted for the Site over the last several years. Many of these studies were prepared to study upper bluff erosion and were procured during litigation between a bluff-top property owner and the City over use of the Wagner Street Trail along the bluff. During preparation of the Plan, the services of LACO and Associates were engaged to conduct Site visits to assess the Site’s conditions and to summarize and qualitatively analyze the data in the previous geotechnical studies. LACO’s report states the following, with regard to Site saturation:

- Surface drainage and run-off emanating from neighboring and bluff top residences is the single greatest factor affecting slope stability at the site.
- During LACO’s field investigation, several locations were identified where discharge of surface run-off is directly affecting Tsurai Village in an adverse manner.
- Uncontrolled surface run-off is easily mitigated with the emplacement of drainage collection structures, tightlines, and properly located points of discharge.
- An in-board ditch located on the lower driveway of an adjacent residence is directing significant volumes of surface run-off directly onto the village grounds. The construction of a drop inlet that delivers run-off back into Parker Creek is recommended to resolve this problem.

The Plan makes the following recommendations regarding Parker Creek, reducing saturation of the Site, and protecting the natural resources:

- A proper drainage system along Parker Creek Trail should be installed in order to redirect runoff back into Parker Creek and restore the natural hydrology of the watershed, as well as divert water away from, rather than into, the Site.
- Evaluate impacts of current hydrology regime on trail.
- Assess and evaluate causes of saturation and runoff.
- Develop a plan for mitigation of the problem.
- Install culverts along Parker Creek Trail to redirect Parker Creek flow away from in-board ditch on adjacent private property and return it to its natural flow pattern/path (e.g., to ocean).
- Redirect the Site run-on from adjacent private property to Parker Creek.

The City proposes that the most immediately feasible solution to reduce saturation to protect against bluff failure and maintain public access is to construct a drainage system to direct Parker Creek flow away from the Site to Parker Creek.

Site Description: The Tsurai Village site is approximately bordered at the north by Edwards Street, at the west by a beach trail at Van Wycke Street, at the south by Old Home Beach and by

private properties and to the east in the City of Trinidad. The area covered by the conservation easement extends to the north along Parker Creek that runs along the east edge of the property (See Exhibit 1). The Site had been inhabited by Tsurai until 1916 when the last Native American inhabitant was removed. The Site has been subjected to cattle grazing, bulldozing, archeological excavation, unauthorized Site visitation, looting, excessive bioturbation from rodents, ocean and creek erosion, and failing bluffs. It is currently covered with entangled brush of alder, willow, nettle, and blackberry.

Trinidad, with some of the best weather in Humboldt County and with its vast views to the south along the Humboldt County coastline, is a very popular destination for county residents and tourists. The bluff above the Site with the Trinidad Memorial Lighthouse is a key tourist viewpoint; the Axel Lindgren Memorial Trail adjacent to the lighthouse provides pedestrian access down the bluff, through the Site, to the ocean. Parker Creek trail is also heavily used by many trail users drawn by the allure of the wooded hillside. Families and beachcombers enjoy the quiet of Old Home Beach.

Project History: The Conservancy has a long history in Trinidad. In 1979, the Conservancy purchased the 12.5-acre site to protect it for access and open space to hold it until plans for a proposed Trinidad State Park could be completed. The plans for that park were cancelled and in 1989, the Conservancy sold the property to the City for public access and retained ownership of a conservation easement over the entire property for the purposes of preserving scenic value and protecting public access and certain Native American cultural resources.

In 1995 the Conservancy funded a trails feasibility study to locate a new trail across the property to the beach. In 1997, the Yurok Tribe designed and constructed the new primary trail along an ancient trail that was traditionally used by the Tsurai when they inhabited the village. This ‘traditional’ trail was renamed the Axel Lindgren Memorial Trail to honor Axel Lindgren, a descendent of the village dwellers who had for years worked to protect the village site and other areas of Tsurai significance in Trinidad. Mr. Lindgren also was the founder of the Tsurai Ancestral Society, which formed to be a steward of the resources of the Site that are important to Tsurai history and culture.

Over the years, much conflict existed between the City and the Tsurai Ancestral Society centering around public access and the protection of the cultural resources on the 12.5 acre Site. In order to balance public use of the trail and beach with the need to protect the cultural and natural resources of the Site, the Conservancy authorized funds in 2003 for the preparation of the Access Management Plan for the Tsurai Village Site. Work on the Plan began in late 2003/early 2004. After several iterations and public comment periods, the management plan was completed in 2007 and adopted by the City, the Tsurai Ancestral Society, and the Yurok Tribe. The Plan provides agreement on priority issues surrounding the Site’s use and management, and puts forth an outline by which to resolve those issues.

PROJECT FINANCING:

Coastal Conservancy	\$30,000
City of Trinidad	<u>\$8,000</u>
Total Project Cost	\$38,000

The Conservancy's contribution to this project is expected to come from the FY 2005/06 appropriation from the Safe Neighborhoods, Parks, Clean Water, Clean Air and Coastal Protection Bond Fund (Proposition 12) allocated for resource development projects north of the Gualala River. The proposed project is consistent with this funding source as it will result in improvements to and protection of public existing access amenities (site and trail) on the Humboldt County coast.

The City will contribute matching funds in the form of engineer and environmental planning staff to prepare construction and permitting documents (scope of work, bid requests, conducting environmental review, performing legal review and access/maintenance agreement, obtaining permits). Further, the City will contribute any funds above and beyond the \$38,000 of this proposed authorization to complete the project.

CONSISTENCY WITH CONSERVANCY'S ENABLING LEGISLATION:

The proposed project will be undertaken pursuant to Chapter 9 of Division 21 of the Public Resources Code (Sections 31400 et seq.) relating to the provision of coastal public access.

Public Resources Code Section 31400 states the Legislature's intent that the Conservancy has a principal role in the implementation of a system of public accessways to and along the state's coastline. Conservancy funding would protect a sensitive coastal bluff and public access by providing improvements to protect existing pathways and viewpoints to and through the resource. The proposed funding authorization is thus consistent with Public Resources Code Section 31400.

Section 31400.1 allows the Conservancy to award grants to local agencies to develop, operate, or manage lands for public access purposes to and along the coast, if the subject accessway will serve greater than local needs. The proposed project, because it is located in an area that draws visitors from all over the world, will serve greater than local needs. By protecting the property from bluff failure, public access will be preserved and protected, and continue to provide for a greater than local need for coastal access sites. Thus, this project is consistent with §31400.1.

Section 31400.2 allows the Conservancy to fund up to the total cost of the initial development of public accessways. The City has a very limited operating budget. Using City funds to cover the cost of the entire project would require the City to redirect funds from other programs. If authorized, Conservancy funds would cover 80 percent of the project costs.

Section 31400.3 enables the Conservancy to provide such assistance as is required to aid public agencies in establishing a system of public coastal accessways. The proposed project is necessary to maintain public access at the Site.

CONSISTENCY WITH CONSERVANCY'S STRATEGIC PLAN GOAL(S) & OBJECTIVE(S):

Consistent with **Goal 2, Objective B**, this project will result in the enhancement of a waterfront multi-benefit park that includes public access and preservation of cultural resources.

Consistent with **Goal 2, Objective E**, this project will result in the improvement of a potentially unsafe access facility to enhance coastal recreational opportunities for residents and visitors.

CONSISTENCY WITH CONSERVANCY'S PROJECT SELECTION CRITERIA & GUIDELINES:

The proposed project is consistent with the Conservancy's Project Selection Criteria and Guidelines adopted September 20, 2007, in the following respects:

Required Criteria

1. **Promotion of the Conservancy's statutory programs and purposes:** See the "Consistency with Conservancy's Enabling Legislation" section above.
2. **Consistency with purposes of the funding source:** See the "Project Financing" section above.
3. **Location:** The proposed project is located within the coastal zone of Humboldt County.
4. **Support of the public:** State and local elected officials, and local Tribal organizations supported the project to protect public access and cultural resources. Letters of support are included in Exhibit 5.
5. **Need:** The City has a very limited annual budget, and will procure funds from its general fund and a special bond fund to cover the cost of the project, if needed. However, in doing so, the City will need to direct funding proposed for other public service projects (for which Conservancy or other public agency funding may not be appropriate). Therefore, Conservancy funding is essential to allow the City to address an emergency access need and continue to carry out its duties to the citizenry of Trinidad, without creating a budget shortfall.
6. **Greater-than-local interest:** Trinidad is a popular destination for locals and tourists who enjoy the beautiful weather and the sweeping views of the coastline. The natural resources and cultural histories of the north coast of California attract local, regional, national, and international visitors. Significantly reducing the erosive saturation that threatens the site will preserve public access uses of the Site and surrounding trails, and protect the cultural and natural resources present for the benefit of the greater public.

Additional Criteria

7. **Urgency:** The saturation that persists year-round has reached critical stage with the increased drainage from Parker Creek and the bluff side. If the situation isn't corrected soon, bluff failure (whole or partial) could occur that would destroy the Site and its significant coastal resources.
8. **Resolution of more than one issue:** Correcting the Parker Creek drainage problem will result in protection of cultural resources and scenic values and will improve management of access facilities for the public.
13. **Realization of prior Conservancy goals:** See "Project History" above.
15. **Cooperation:** Addressing the management issues for access at the Tsurai Village Site in Trinidad is fully supported by the City, the Tsurai Ancestral Society and the Yurok Tribe, all of which have critical interests in maintaining public use with responsible protection of the

resources at the Site. The City has engaged members of the Tsurai Ancestral Society to conduct cultural monitoring during the entirety of the effort demonstrating cooperation to protect these resources.

CONSISTENCY WITH LOCAL COASTAL PROGRAM POLICIES:

The City's certified Local Coastal Plan, the *Humboldt County Bay Plan, Trinidad Area Plan* ("LCP"), allows the City to grant an emergency permits for work that "must be undertaken as emergency measures to prevent loss of or damage to live, health or property..." Further, Section 3.50.B.1.a. of the LCP states "(p)ublic agencies or other entities having or accepting responsibility for accessways shall provide support facilities compatible with the character of the land. . . ." Protecting the Site from failure will allow the City to maintain access facilities and preserve unique geographical character of the Trinidad coast.

COMPLIANCE WITH CEQA:

The work generally includes placement of approximately 220 feet of 8-inch HDPE storm sewer pipe using horizontal directional drilling methods to minimize ground disturbance in order to convey bluff seepage and driveway runoff off away from the Tsurai Village Site and into Parker Creek. The project also includes installation of a drainage inlet, installation of a drainage inlet insert filter, drainage ditch grading, erosion and sediment control, cleanup, and site restoration. Under the following exemptions to the California Environmental Quality Act ("CEQA"), the project is categorically exempt: 14 California Code of Regulations ("CCR") Section 15303 allowing new construction of small structures including utility extensions; and CCR Section 15304 allowing minor alterations of land including grading on less than 10% slope and minor trenching and backfilling where the surface is restored.

Staff will file a Notice of Exemption upon approval of this project.